

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 15-5079-RSWL (GJS)	Date	September 2, 2016
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Title	Lamarr Brown v. Kim Holland, Warden
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Present:	Hon. Gail J. Standish, United States Magistrate Judge
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E. Carson

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

None present

None present

Proceedings: (IN CHAMBERS) Order to Show Cause Re: Failure to Prosecute and to Comply With Court Order

On July 9, 2015, the Court granted Petitioner a *Rhines* stay in this action. On June 9, 2016, at Petitioner's request and based upon his advice that the California Supreme Court has denied his habeas petition, the Court lifted the *Rhines* stay and ordered Petitioner to file his First Amended Petition by no later than July 9, 2016. The Court cautioned Petitioner that the First Amended Petition may not allege any claims in addition to those pleaded in the originally-filed Petition in this case but may include additional argument and support for those claims. On July 12, 2016, the Court granted Petitioner's request to extend his deadline to August 9, 2016, and reiterated the above caution.

It is now 24 days past the deadline for filing a First Amended Petition, and Petitioner has neither filed his First Amended Petition nor request any further extension of time to do so. Thus, it is unclear that Petitioner intends to pursue this action.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE why this action should not be dismissed without prejudice, pursuant to Rule 41(b) of the Federal Rules of Procedure, based upon his failures to comply with the Court's Orders and to file his First Amended Petition. **By no later than September 30, 2016**, Petitioner shall file a response to this Order explaining his noncompliance. Alternatively, Petitioner may

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satisfy his response obligation by simply filing his First Amended Petition; indeed, this course of action is preferable, as it will move this case forward.

Petitioner is cautioned that the failure to comply with this Order To Show Cause on a timely basis – whether by filing a response or, preferably, filing his First Amended Petition – may be found to warrant dismissal under Rule 41(b) and result in the dismissal of this action.

IT IS SO ORDERED.